

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in a Special Meeting on March 27, 2009 at 4:00 p.m. in the Commissioner Board Room, Avery County Administrative Complex, Newland, NC. The purpose of the Special Meeting was for a Public Hearing for the Avery County Transportation Community Transportation Grant Application and for a joint meeting with the Avery County Board of Commissioners and Avery County Board of Education.

Members Present: Kenny Poteat, Chairman; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: Phyllis Forbes

Call To Order

Chairman Poteat called the meeting to order at 3:59 p.m.

Glenn Johnson led in prayer.

Public Hearing – Community Transportation Grant Application

Motion by Scott Heath and second by Glenn Johnson to go out of Regular Session and enter into a time of Public Hearing on the Community Transportation Grant Application at 4:00 p.m. Motion unanimously approved with those in attendance (4-0).

Present at the Hearing were: Chairman, Kenny Poteat; Commissioner Scott Heath; Commissioner Martha Hicks; Commissioner Glenn Johnson; County Manager, Robert Wiseman; County Attorney, Michaelle Poore; Finance Officer, Tim Greene; and members of the press and public.

Linda Cuthbertson, Avery County Transportation Director, explained to the Board and the audience that she had some forms that she would like everyone to fill out about the type of people that were present at the Public Hearing; this was strictly voluntary. Ms. Cuthbertson gave some background information about Avery County Transportation. She stated that ACT is the transportation system for Avery County that provides transportation for all citizens of Avery County. She also stated that there were a total of 10 vehicles for ACT which included 3 lift vans and that ACT did do transports for citizens having radiation and chemotherapy treatments and also transports Veterans. Ms. Cuthbertson advised that Avery County will submit a grant application to the North Carolina Department of Transportation by March 31, 2009. She stated that the hearing has been properly advertised and today's hearing is for the purpose of receiving public input regarding this grant application. The amount that is being applied for is \$295,001 with the County's share being \$40,831.

Chairman Poteat asked for public comments regarding the CTP grant application.

Rachel Deal stated that she did use ACT because of health reasons and that the ACT was one of the best transportation systems in the 7 counties of the High Country Council of Government.

John Greene, Chairman Avery County Board of Education, advised that JobLink had used ACT for workforce for youth programs and ACT had always been very cooperative and was an asset to the community.

Sam Ray thanked Linda Cuthbertson and ACT for their willingness to take care of the veterans.

Diane Jaynes, Avery County Board of Education, stated she had worked with the elderly, disabled and handicapped several years ago and without the ACT a lot of people would have gone without doctor's appointments and other appointments. She also stated that this was a very valuable service to Avery County.

Scott Heath questioned if the local share percentage was always the same. Ms. Cuthbertson stated that the administrative was 15% and capital was 10% always.

There were no further public comments.

Motion by Scott Heath and second by Martha Hicks to go out of the time of Public Hearing at 4:15 p.m. Motion unanimously approved with those in attendance (4-0).

Chairman Poteat declared the meeting to be back in Regular Session at 4:15 p.m.

Motion by Glenn Johnson and second by Martha Hicks to approve the Community Transportation Grant Application for Avery County Transportation. Motion unanimously approved with those in attendance (4-0).

Construction Management Services

Dr. Keith Eades, Superintendent for Avery County Schools, introduced William Cramm, Kahn Construction Management Services; Chris Campbell, Board of Education attorney; Mike Cox, Architectural Design; and Jim Rains, Architectural Design. Dr. Eades thanked the Board of Commissioners for allowing the Board of Education to come before the Board. He said that the Board of Education hoped to determine the route for the construction process with regards to the construction management of the new Banner Elk School.

Danny Clark, Director of Auxiliary Services for Avery County Schools, spoke about the additional services that are needed in construction of the new Banner Elk Elementary School. These included a full time on-site inspection to maintain quality control; coordinate construction activities and delivery of materials to ensure that the project stays on schedule; provide multiple cost estimates and construction feasibility studies; provide plan review and value engineering to ensure that change orders are kept to a minimum; provide a bidding process that will encourage local contractor participation; and coordinate start up, testing, owner training and warranty repairs on all equipment and systems.

Michael Cox, Architectural Design Studio, stated that many of the services that is being asked for has already been performed or is included under the contract. Mr. Cox advised that now is not the time to do multiprime bidding and that remarkable bids are coming in under single prime bidding. Mr. Cox gave several examples of single prime bids coming under budget. Chairman Poteat asked the closest proximity to Avery County that Mr. Cox's company had been involved in with regards to school construction. Mr. Cox stated that Yancey County was the closest proximity. Mr. Cox explained the different services provided through his company. Jim Rains with Rains Studio was introduced to the Board. Mr. Cox stated that Mr. Rains would be the enhanced construction administrator through the Architectural Design Studio Firm and that would be a full time service. Jim Rains spoke briefly about what the construction administration would do which would include being on the site, quality control, preconstruction meetings, pre-installation meetings, etc. Mr. Cox stated that the proposed fee for the enhanced construction administration would be \$82,300. Glenn Johnson questioned if Mr. Rains would be there 8 hours a day. Mr. Cox answered that the construction administrator would be there everyday but possibly not 8 hours a day.

William Cram, MB Kahn Construction, stated that the approach as construction manager is different by taking the approach from a construction standpoint. He also stated that a number of options have been offered to the Board of Education. Mr. Cram said that MB Kahn would provide a full time on-site manager who would reside in Avery County and would be on-site every day and when the contractors are working the construction manager would be there the entire time the contractor is working. Also daily reports and monthly reports would be provided to the Board of Education. One of the things would be to initiate an outreach program to make local contractors aware of the project and possibly those that are not large enough to bid independently to link with a larger contractor. Mr. Cram stated that the scheduling is developed by the construction manager and the control of the schedule should be through the Avery County Board of Education.

Chairman Poteat asked if Option 1 (Award Preconstruction Services & Construction Administration Services to M.B. Kahn; Bid Project Multi-Prime and Single Prime) and Option 2 (Award Construction Administration Services Only (post-bid) to M.B. Kahn; Bid Project Single Prime Only) included MB Kahn. Danny Clark explained that Option 1 and Option 2 included MB Kahn Construction Manager but Option 3 (Authorize Construction Administration Services by Architect; Bid Project Single Prime Only) did not.

Scott Heath stated that he needed to understand his realm of responsibility. Mr. Heath asked if this was a decision that the Board makes or is that a decision that the school board makes and bring their decision to us.

Chris Campbell, Board of Education Attorney, advised that typically in this process a school board will see if the Commissioners want to fund the construction manager as it is over and above the contract price so it can be done either way and the Board of Education can bring their recommendation to the Commissioners.

Glenn Johnson asked if the figures listed were based on total construction costs. Mr. Cram answered that the Board of Education had been offered a fixed fee by MB Kahn. Mr. Campbell stated that the \$474,426.50 is a fixed fee and this would not add to the existing contract; their services are intended to lower the bid price on bid day and then to save money through the construction process and would not be a straight add on. Mr. Campbell advised that Option 2 is only construction administration, would come on the job after the bid and the Board of Education would award to the low bidder and then MB Kahn would come on the scene and do the construction management and the price would be a flat fixed fee for \$314,426.50. Option 3 would be \$82,300.

Discussion regarding Option 1, Option 2, and Option 3. Glenn Johnson asked if the school board had considered the possibility of using some local contractor to oversee this project. Mr. Campbell stated that both of the firms provide a true professional specialty and that the biggest problem with a local contractor would be the tremendous liability. Chairman Poteat advised that to be efficient and effective that one of the three options should be chosen.

Chairman Poteat called for a recess of this meeting at 5:25 p.m. so the Board of Education could meet and discuss which one of the three options that the Board of Education would recommend to the Board of Commissioners.

Chairman Poteat called the meeting to order at 5:55 p.m.